

July 27, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Meeting, WC Docket Nos. 04-36 and 05-196

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Federal Communications Commission's ("FCC") Rules, this letter serves to provide notice in the above-captioned proceedings of an *ex parte* meeting described below. On July 26, 2005, the undersigned accompanied Mr. Jason P. Talley, Chief Executive Officer, and Mr. Noah K. Wood to meet with the following people in the Enforcement Bureau: Linda Blair, Christopher Olsen, Joseph Casey, Elizabeth Mumaw, Kathy Berthot, Cynthia Bryant, Marcy Greene, and David Hunt, as well as Nicholas Alexander of the Wireline Competition Bureau.

In the above-referenced *ex parte* meeting, Nuvio discussed the 30-day implementation requirements of the Voice over Internet Protocol ("VoIP") E-911 Order,¹ and the company's concern over receiving affirmative acknowledgements from 100% of its customers. Nuvio also described its efforts to obtain affirmative acknowledgement from its entire customer base. Further, the Company also inquired as to the validity of affirmative acknowledgements obtained by the Company prior to the adoption of the VoIP E-911 Order by the July 29, 2005 deadline.

Additionally, Nuvio expressed its concerns over the Commission's November 28, 2005, deadline to have an E-911 solution in place. Nuvio explained that, similar to many other if not all VoIP service providers, Nuvio will rely on the efforts of third parties to implement the Commission's requirements. Vendors of VoIP E-911 solutions have become overwhelmed with requests and non-responsive to many VoIP providers. None of these vendors are offering a nationwide solution. Nuvio is concerned about the impact of the Order on its customers since Nuvio is based in Kansas and provides service to customers that live and commute from rural areas. As many of the gaps associated with a VoIP E-911 solution are in rural areas, customers

¹ *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, WC Docket Nos. 04-35 & 05-196, FCC 05-116 (rel. June 3, 2005).

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that would otherwise make use of Nuvio's service and rely on it may find themselves in a precarious position as the November 28, 2005 deadline approaches.

Nuvio also expressed concern that the Order arguably subjects the Company to more stringent requirements than traditional providers of wireline services. Specifically, when Nuvio provides service to customers through the use of an IP-PBX, the VoIP E-911 Order may be interpreted to require more from VoIP providers than it does from traditional wireline PBX services. According, clarification by the FCC is needed well before November 28, 2005. Finally, Nuvio expressed concern about disconnecting any customer when that customer may rely on the service in the case of an emergency.

Pursuant the Commission's Rules, this letter is being submitted electronically for filing in the above-referenced proceeding.

Sincerely,

/s/
Ronald W. Del Sesto, Jr.

Counsel for Nuvio Corporation

cc: Linda Blair
Christopher Olsen
Joseph Casey
Elizabeth Mumaw
Kathy Berthot
Cynthia Bryant
Marcy Greene
David Hunt
Nicholas Alexander